

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/671,666	TANAKA ET AL. <i>AB</i>
	Examiner	Art Unit
	Kripa Sagar	1756

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 9/29/03.
2.  The allowed claim(s) is/are 16-21.
3.  The drawings filed on 29 September 2003 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. 09/810,194.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

5.  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a)  The translation of the foreign language provisional application has been received.
6.  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8.  CORRECTED DRAWINGS must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
1)  hereto or 2)  to Paper No. \_\_\_\_\_.
  - (b)  including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

<input type="checkbox"/> Notice of References Cited (PTO-892) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. <u>9/03</u> . <input checked="" type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material	<input type="checkbox"/> Notice of Informal Patent Application (PTO-152) <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____. <input checked="" type="checkbox"/> Examiner's Amendment/Comment <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance <input type="checkbox"/> Other
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## DETAILED ACTION

### ***Response to Amendment***

1. The preliminary amendment is acknowledged. Claims 1-15 are cancelled. Claims 16-21 are newly added; no new matter has been introduced by the amendment. Claims 16-21 are under consideration.
2. The preliminary amendment to the first line of the specification cross-referencing the parent application is acknowledged. It should include the phrase "now US Pat. 6,653,052".

### **EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney John Mattingly on 1/23/04.

The application has been amended as follows:

#### **In the specification:**

In the amendment to the first page of the specification: delete period (.) at end of line and add phrase ", now US Pat.6,653,052."

#### **In the claims:**

Claim 16; line 10: replace term "with" with "as".

Claim 20; line 12: replace term "with" with "as".

***Allowable Subject Matter***

4. Claims 16-21 are allowed.

5. The following is an examiner's statement of reasons for allowance:

The independent claims recite a method of manufacturing an electron / semiconductor device with a mask that comprises a plurality of apertures formed in a *resist light shielding area*. Other elements include first and second phase shift patterns that are same in shape but mutually phase-inverted; and multiple exposures with the first and second patterns.

Applicant cited reference JP-05-298307 to Matsuo et al. teaches forming a light shielding layer with a photoresist; and comprising patterned openings (i.e. a darkfield mask). It does not teach phase shifting patterns.

Applicant cited reference, US Pat. 5348826 to Dao et al. teaches phase shift masks with first and second phase shift patterns that are mutually inverted in phase. The mask is a brightfield mask.

The combination of the references would not be obvious to one of ordinary skill in the art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kripa Sagar whose telephone number is 571-272-1392. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark F Huff can be reached on 571-272-1385. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

MH/ks

MARK F HUFF  
SUPERVISOR, TECHNICAL GROUP  
TECHNICAL DIVISION (703)